

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

IN RE: NATIONAL COLLEGIATE  
ATHLETIC ASSOCIATION STUDENT-  
ATHLETE CONCUSSION LITIGATION

MDL No. 2492

Master Docket No. 13-cv-09116

Judge John Z. Lee

Magistrate Judge Geraldine Soat Brown

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ADRIAN ARRINGTON, DEREK OWENS,  
ANGELICA PALACIOS, KYLE SOLOMON,  
SHELBY WILLIAMS, BRICE SHEEDER,  
SHAVAUGHNE DESECKI, SPENCER  
TRAUTMANN, RYAN PARKS, URSULA  
KUNHARDT, JESSICA MILLER, RACHEL  
HARADA, ADAM WALKER, ANNA  
BARTZ, NATALIE HARADA, DACHE  
WILLIAMS and PETER DYKSTRA,  
individually and on behalf of all others  
similarly situated,

Plaintiffs,

v.

NATIONAL COLLEGIATE ATHLETIC  
ASSOCIATION,

Defendant.

Case No. 11-cv-06356

**PLAINTIFFS' UNOPPOSED MOTION FOR LEAVE TO FILE  
FOURTH AMENDED COMPLAINT**

Plaintiffs Adrian Arrington, Derek Owens, Kyle Solomon, Angela Palacios, Abram Robert Wolf, Sean Sweeney, Jim O’Conner, Dan Ahern, Paul Morgan, Jeffrey Caldwell, John DuRocher, Sharron Washington, Shelby Williams, Brice Sheeder, Shavaughne Desecki, Spencer Trautmann, Ryan Parks, Ursula Kunhardt, and Jessica Miller (collectively, the “Settlement Class Representatives”), on behalf of themselves and as representatives of the Settlement Class, seek leave to amend the Third Amended Complaint solely for the purpose of adding class representatives Rachel Harada, Adam Walker, Anna Bartz, Natalie Harada, DaChe Williams, and Peter Dykstra (collectively, the “Proposed Class Representatives”). In support thereof, the Settlement Class Representatives state as follows:

In its Memorandum Opinion and Order dated December 17, 2014, the Court stated:

[T]he risks of suffering a concussion while playing NCAA-sanctioned sports are scattered along a continuum with football on the highest end and sports such as riflery on the lower end...The class representatives as a group must adequately represent this continuum as a whole so that the various interests along the continuum can be voiced as part of the settlement process.<sup>[1]</sup>

The Court also stated that: “[a]dditional representation is necessary for those putative class members who formerly played both non-Contact Sports, as well as Contact Sports other than football...Only in this way will the class representative adequately represent the interests of the entire putative settlement class, rather than only parts of it.”<sup>2</sup>

Plaintiffs seek leave to add the six Proposed Class Representatives to further address the Court’s concern. The Proposed Class Representatives consist of current and former student-athletes who play or played both Contact and Non-Contact Sports.<sup>3</sup> Each of the Proposed Class

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<sup>1</sup> Memorandum Opinion and Order (Dkt. No. 115) at 12.

<sup>2</sup> *Id.* at 12-13.

<sup>3</sup> Attached as Ex. C is a list of NCAA-sanctioned sports included in the Amended Settlement Agreement.

Representatives had a meaningful opportunity to review the Settlement and to engage in conversation with Judge Andersen.<sup>4</sup>

As reflected more fully in the accompanying memorandum, the Proposed Class Representatives have reviewed, understand, and enthusiastically support the Settlement from the perspective of student-athletes who play or played both Contact and Non-Contact sports as defined in the Settlement.<sup>5</sup> The unanimous support of the Settlement demonstrates that there is no conflict between Settlement Class members who participated in Contact Sports and those who participated in non-contact sports. Rather, the Settlement Class shares a single goal regardless of sport – to obtain access to the Medical Monitoring Program in the Settlement and to obtain necessary changes to the NCAA’s concussion-management and return-to-play guidelines to protect student-athletes in the future.

Therefore, the request should be granted for three reasons: (1) the Proposed Class Representatives are typical and they will fairly and adequately protect the Settlement Class including current and former student-athletes; (2) according to the Court’s prior ruling the rights of and benefits for current and former Settlement Class Members are at risk; and (3) given the Court’s ruling the denial of the right to add the Proposed Class Representatives would prejudice Settlement Class Members.

WHEREFORE, Plaintiffs respectfully request leave to amend the complaint for the sole purpose of adding Proposed Class Representatives Rachel Harada, Adam Walker, Anna Bartz,

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<sup>4</sup> Declaration of Judge Wayne R. Andersen (ret.) (“Andersen Decl.”), attached hereto as Ex. B.

<sup>5</sup> See Declaration of Rachel Harada (“R. Harada Decl.”), Ex. D; Declaration of Adam Walker (“Walker Decl.”), Ex. E; Declaration of Anna Bartz (“Bartz Decl.”), Ex. F; Declaration of Natalie Harada (“N. Harada Decl.”), Ex. G; Declaration of DaChe Williams (“Williams Decl.”), Ex. H; Declaration of Peter Dykstra (“Dykstra Decl.”), Ex. I attached hereto.

Natalie Harada, DaChe Williams, and Peter Dykstra. A proposed Fourth Amended Complaint is attached hereto as Exhibit A.

Date: April 14, 2015

Respectfully submitted,

By: /s/ Steve W. Berman

Steve W. Berman

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*Co-Lead and Settlement Class Counsel*

**CERTIFICATE OF SERVICE**

The undersigned, an attorney, hereby certifies that on April 14, 2015, a true and correct copy of the foregoing was filed electronically via CM/ECF, which caused notice to be sent to all counsel of record.

By: /s/ Steve W. Berman